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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

CHIQUITA FRESH, N.A., L.L.C., et al.

Plaintiffs

v.

SAMMY'S PRODUCE, INC., et al

Defendants

Civil Action No: 3:08-cv-00714

**JOINT MOTION TO POSTPONE
HEARING ON PRELIMINARY
INJUNCTION**

Plaintiffs, Chiquita Fresh N.A., LLC and Andrew & Williamson Sales Co., Inc.
("Plaintiffs"), by and through their attorneys, and Defendants, Sammy's Produce, Inc., Yan Skwara,
Samuel V. Nucci and Darin Pines, by and through their attorneys, consent, agree and stipulate to the
following:

1. The hearing on Plaintiff's Preliminary Injunction scheduled for May 9, 2008 at
10:30 A.M. in courtroom #6 of the Edward J. Schwartz United States District Courthouse, 940

1 Front Street, San Diego, CA 92101 shall be postponed until Friday, May 16, 2008 at 10:30 A.M. at
2 the identical location.

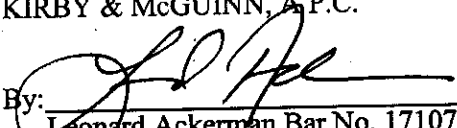
3 2. This Stipulation and Order may be executed by the Parties or by the Parties'
4 authorized counsel acting with active authority from their principal in Counterparts, and collectively
5 all signed Counterparts represent one Agreement.
6

7 3. The Parties acknowledge having had the opportunity to discuss this Stipulation and
8 Order with their respective attorneys, and that they have availed themselves of that opportunity to
9 the extent they have desired to do so.
10

11
12 IT IS SO AGREED AND APPROVED AS TO FORM AND CONTENT:

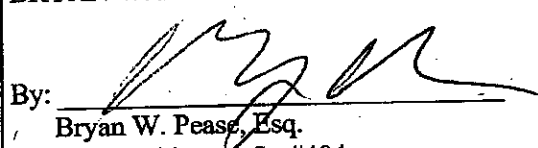
13 Dated this 8th day of May, 2008.

14 KIRBY & McGUINN, A.P.C.

15
16 By: 
17 Leonard Ackerman Bar No. 171073
18 600 B Street, Suite 1950
19 San Diego, California 92101-4515
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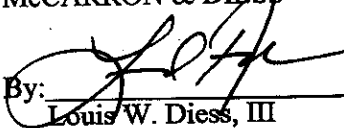
21 *Attorneys for Plaintiffs*

22 BRYAN W. PEASE

23 By: 
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26 San Diego, CA 92103
27 (619) 723-0369
28 (619) 923-1001

Attorney for Defendants

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ON BEHALF
OF
LOUIS W. DIESS

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Attorneys for Plaintiff

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CHIQUITA FRESH, N.A., L.L.C.

Plaintiff

v.

SAMMY'S PRODUCE, INC., et al

Defendants

Civil Action No: 08-CV714 JLS(POR)

PROOF OF SERVICE

I, Tina Floros, declare under penalty of perjury that the following facts are true and correct:

I am a resident of the State of California and over the age of 18 years and not a party to or interested in the within entitled cause. I am an employee of KIRBY & McGUINN, A P.C., and my business address is 600 B Street, Suite 1950, San Diego, California 92101. On May 8, 2008, I served the following document(s):

**1) JOINT MOTION TO POSTPONE HEARING ON PRELIMINARY
INJUNCTION by**

- **MAIL:** by placing a true copy(ies) thereof in a sealed envelope(s) in the outgoing mail tray located in my office for deposit in the United

1 States mail, with postage fully prepaid, addressed as shown below.
2 I am readily familiar with the business practice at my place of
3 business for collection and processing of outgoing mail with the
4 U.S. Postal Service that same day in the ordinary course of
5 business.

6 ☐ **PERSONAL SERVICE:** by personally serving by hand-delivery, via the
7 same in an envelope(s) addressed as shown below:

8 ☐ **OVERNIGHT DELIVERY:** by enclosing, a true copy(ies) in a sealed
9 Federal Express/Overnite Express envelope(s) addressed as
10 shown below.

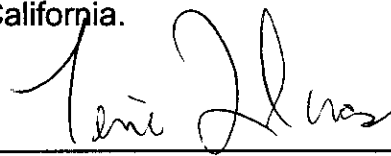
11 ☐ **VIA FACSIMILE:** by transmitting via telefax to the number(s) shown
12 below:

13 Attorneys for Defendants

14 Bryan W. Pease, Esq.
15 302 Washington Street, #404
16 San Diego, CA 92103

17 I declare under penalty of perjury under the laws of the United States that the
18 above is true and correct.

19 Executed on May 8, 2008, at San Diego, California.

20 
21 Tina Floros